

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Request for
Arbitration of Interconnection Agreements
by Certain Independent Telephone
Companies with Qwest Wireless LLC and
TW Wireless LLC

PREHEARING ORDER

A prehearing conference was held before Beverly Jones Heydinger, Administrative Law Judge, on December 30, 2003 at the Public Utilities Commission, 121 Seventh Place East, St. Paul, Minnesota.

M. Cecilia Ray, Attorney at Law, Moss & Barnett, 4800 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-4129, appeared on behalf of Certain Independent Telephone Companies, listed in the attachment to the Order Denying Motion to Dismiss, etc., December 22, 2003. Jason D. Topp, Attorney at Law, 200 South Fifth Street, Room 395, Minneapolis, MN 55402, and Larry Espel, Attorney at Law, Greene Espel PLLP, 200 South Sixth Street, Suite 1200, Minneapolis, MN 55402, appeared on behalf of Qwest Wireless LLC and TW Wireless LLC. Linda S. Jensen, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101-2131, filed a Notice of Appearance on behalf of the Department of Commerce, but did not attend the Prehearing Conference. Ganesh Krishnan, Commission staff, was also present.

Discussion was held among the parties. Having considered all of the comments, and in light of the schedule set by the Public Utilities Commission, the Administrative Law Judge makes the following Prehearing Order.

I. Intervention

The Department of Commerce (Department) filed a request to intervene with the Public Utilities Commission (Commission) on December 17, 2003. No action was taken by the Commission. The Department has the right to intervene pursuant to Minn. Stat. § 216A.07, subd. 3, and accordingly, is a party to this proceeding.

II. Discovery

The parties have agreed to extend the deadline for initial discovery requests to January 7, 2004. The parties will respond to discovery requests within ten days.

III. Prehearing Briefing Schedule

Qwest has submitted a request for summary disposition on the issue of whether arbitration of the interconnection agreement is appropriate to resolve the dispute between the parties. Qwest may supplement its filing by January 7, 2004. The Independent Telephone Companies and Department shall submit their response by January 9, 2004. In the event that Qwest wishes to reply, it shall file its reply by January 14, 2004. The Independent Telephone Companies and Department may file a subsequent reply by January 16, 2004.

IV. Exchange of Documents

The parties shall exchange any documents that will be offered at hearing by January 21, 2004. In the event that any party has objections to the foundation for the documents to be offered, that party shall promptly notify the administrative law judge.

V. Second Prehearing Conference

A prehearing conference will be held by telephone on January 23, 2004, at 1:30 p.m. to resolve any disputes about the foundation for the exhibits to be offered, to determine the order of witnesses for the hearing, and address any additional prehearing issues that may arise. The Administrative Law Judge will initiate the call. The parties shall notify the Administrative Law Judge by January 21, 2004 of the name and telephone number for each person participating in the call.

VI. Hearing Schedule

In the event that the matter is not resolved without a hearing, a hearing will be held on January 27, 2004, commencing at 9:30 a.m., at the Small Hearing Room at the Public Utilities Commission, and, as necessary, on January 28, 2004.

VII. Posthearing Briefing Schedule

The parties shall submit simultaneous posthearing briefs by February 2, 2004.

VIII. Deadline for Recommendation

Pursuant to Minn. R. 7812.1700, subp. 19, and the Order Denying Motion to Dismiss, Granting Arbitration and Assigning Arbitrator, issued December 22, 2003, the Administrative Law Judge's Recommendation to the Commission must be filed with the Commission by February 17, 2004.

IX. Filing of Documents

All documents, excluding information requests and responses, if any, shall be filed as follows:

- A. The original and one copy shall be filed with the Administrative Law Judge.
- B. One copy shall be served on each counsel of record.
- C. Five copies shall be filed with the Commission.

A service list is attached hereto as Exhibit A and made a part hereof. Service and filing of documents is governed by Minn. R. 1400.5550. Service may be made electronically on a party with the consent of that party.

V. Trade Secrets and Proprietary Information

Persons filing documents containing proprietary information must comply with Minn. R. 7829.0500, and may seek a protective order.

VI. Court Reporter

The court reporter shall receive copies of any correspondence or pleadings that address the schedule in this matter.

VII. Request for Accommodation

No person has requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

Dated this ___ of December, 2003.

/s/ Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge